



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

**AUG 14 2015**

Mr. Tim Maurice  
Interim Plant Manger  
ArcelorMittal Monessen LLC  
345 Donner Avenue  
Monessen, PA 15062-1156

Re: Requirement to Provide Information Pursuant to Section 114 of the Clean Air Act

Dear Mr. Maurice:

The United States Environmental Protection Agency (EPA) hereby requires ArcelorMittal Monessen LLC (ArcelorMittal) to provide certain information as part of an EPA investigation to determine the Clean Air Act (CAA or the Act) compliance status of its the coke plant and by-products operation located in Monessen, Pennsylvania.

Pursuant to Section 114(a) of the CAA, 42 U.S.C. Section 7414(a), the Administrator of EPA is authorized to require any person who owns and/or operates an emission source to establish and maintain records, install and use monitoring equipment, make reports and provide such other information as she may reasonably require for the purposes of determining whether such person is in violation of any provision of the Act. This authority has been delegated to the Director of the Air Protection Division of EPA Region III.

In order for EPA to determine whether a violation has occurred, you are hereby required, pursuant to Section 114(a) of the CAA, to provide responses to the following questions and requests for information regarding your coke plant and by-products operation. Therefore, you are hereby required to respond to questions and requests for information in Enclosure 2 within the time period specified. (See Enclosure 1 for instructions and definitions.) All information submitted in response to this request must be certified as true, correct, accurate and complete by an individual with sufficient knowledge and authority to make such representations on behalf of ArcelorMittal. On the last page of your response(s) to this Questionnaire, please include the certification contained in Enclosure 3.

Failure to provide the required information may result in the issuance of an Order requiring compliance with the requirements, or the initiation of a civil action pursuant to Section 113(b) of the Act, 42 U.S.C. Section 7413(b). In addition, Section 113(c)(2) of the Act, 42 U.S.C. Section 7413(c)(2), provides that any person who knowingly makes any false material statement, representation, or certification in, or omits material information from any document required pursuant to this Act shall upon conviction be punished by a fine pursuant to Title 18 of the United States Code, or by

imprisonment for not more than two years, or both. The information you provide may be used by EPA in administrative, civil and criminal proceedings.

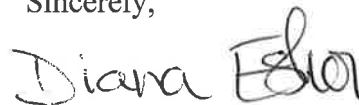
You are entitled to assert a business confidentiality claim, covering all or part of the information which this letter requires, except that no such claim can be made with respect to emission data as defined at 40 C.F.R. Section 2.301(a)(2) (Enclosure 4). Any such claim should be made in accordance with the procedures described at 40 C.F.R. Section 2.203(b). EPA will provide the public with information subject to a claim of business confidentiality only in accordance with the procedures set forth at 40 C.F.R. Part 2, Subpart B. EPA may provide the public with any information not subject to such a claim without further notice. The required submission of information pursuant to Section 114 is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Sections 3501, et seq.

Unless otherwise specified, EPA requires ArcelorMittal to submit the information requested in Enclosure 2 to EPA no later than thirty (30) calendar days after receipt of this letter. Inspections, testing and reports shall be conducted and submitted as set forth in Enclosure 2. EPA requires that ArcelorMittal report any changes or revisions to the information supplied within seven (7) days after the change or revision is made. This requirement to provide EPA with changed or revised information shall remain in effect until EPA provides ArcelorMittal with written notice of its termination. Please submit your response to this request to:

Mr. James W. Hagedorn  
U.S. Environmental Protection Agency Region III  
Office of Air Enforcement & Compliance Assistance (3AP20)  
1650 Arch Street  
Philadelphia, PA 19103-2029

If you have any questions regarding this information request, please contact Mr. James W. Hagedorn (215) 814-2161 of the Air Protection Division

Sincerely,



Diana Esher, Director  
Air Protection Division

cc: Richard Zavoda, ArcelorMittal  
Therese Vande Hey, Esq., ArcelorMittal  
Tim Kuntz, PADEP  
Michael Heilman, Esq., PADEP  
James Hagedorn, EPA  
Robert Stoltzfus, Esq., EPA

## **ENCLOSURE 1**

### **A. INSTRUCTIONS**

1. Please provide a separate narrative response to each question and subpart of a question set forth in this Information Request. Please provide the requested non-narrative information in spreadsheet format, preferably in Excel.
2. Indicate on each document produced in response to this Information Request, or in some other reasonable manner, the number of the question to which it corresponds.
3. Provide as much information as possible to completely answer each question. This includes all supporting documentation, such as performance test reports, inspection records, memorandums, facility records, etc. Failure to completely respond to any questions may increase the time necessary to determine compliance with all applicable regulations.
4. For each document provided in response to these questions, provide an accurate and legible copy, which can be used to determine the completeness of this request. For any information submitted electronically, clearly label to which question(s) the data is responsive.
5. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.
6. Where documents or information necessary for a response are neither in your possession nor available to you, indicate in your response why such documents or information is not available or in your possession and identify any source that either possesses or is likely to possess such information.

### **B. DEFINITIONS**

1. All terms used in the Information Request will have their ordinary meaning unless such terms are defined in the Act, the implementing regulations, or herein.
2. "ArcelorMittal" shall mean the ArcelorMittal Monessen LLC and includes any officer, director, agent, or employee of ArcelorMittal, including any merged, consolidated, or acquired predecessor or parent, subsidiary, division, or affiliate thereof.
3. "Facility" shall mean as the ArcelorMittal coke plant, including its by-products operations, located at 345 Donner Avenue, Monessen, PA 15062.
4. "PADEP" shall mean as the Commonwealth of Pennsylvania, Department of Environmental Protection.

## ENCLOSURE 2

1. Provide a detailed schematic and explanation of the Facility's desulfurization system, pushing operation, coke oven battery combustion stacks, and the byproducts plant, including a narrative description of the process equipment comprising each system.
2. Provide a detailed description of any tests conducted to date to evaluate the pollutants emitted from the processes and equipment identified in response to Information Request No. 1, above, the amounts being emitted, and any reports generated for such tests. The description shall include, but is not limited to, calculations and presumptions used.
3. Facility-wide potential-to-emit (PTE) calculations for all criteria pollutants, hazardous air pollutants, and greenhouse gas emissions.
4. Provide the parametric data (including, but not limited to, pressure drops, temperature, and air flow rates) for the routine operation of the processes identified in Information Request No. 1 above since ArcelorMittal began operating the Facility.
5. Provide copies of coke oven refractory inspection reports for the Facility for all inspections conducted since January 1, 2008 to the present.
6. By December 31, 2015, conduct a new oven refractory inspection for all operable coke ovens at the Facility. Such inspections must use oven wall schematics and include, but not be limited to, an examination of the ovens for holes, cracks, and dark spots on the walls; the presence and location of any carbon buildup; and whether the refractory is bending (concave or convex). Reports of the results of such inspections shall be prepared and submitted to EPA and PADEP by February 29, 2016.
7. Provide records of all desulfurization system work, including all maintenance, repairs and physical changes, since ArcelorMittal acquired the Facility in 2008.
8. Conduct emission tests of the Facility's desulfurization system, pushing operation, coke oven battery combustion stacks, and byproducts plant to determine the quantities of nitrogen oxides (NO<sub>x</sub>), carbon monoxide (CO), volatile organic compounds (VOC), total particulate matter (PM) (filterable and condensable), PM<sub>10</sub>, PM<sub>2.5</sub>, sulfur dioxide (SO<sub>2</sub>), and the below specified hazardous air pollutants (HAPS) emitted by these sources. Plant operations must be conducted in a routine and representative manner during all test runs.
  - a. The following HAPs must be measured:
    - i. Coke oven emissions
    - ii. Polycyclic organic matter
    - iii. Hydrochloric acid
    - iv. Sulfuric acid
    - v. Carbon disulfide
    - vi. Carbonyl sulfide
    - vii. Chloromethane
    - viii. Benzene
    - ix. Methanol
    - x. Phenol

- xi. Toluene
- xii. Xylenes

- b. Complete such testing within sixty (60) days of approval of a test protocol.
- c. By October 1, 2015, submit a test protocol to EPA and PADEP for approval. The protocol shall require at least three testing runs.
- d. Provide EPA and PADEP with thirty (30) days written notice of the actual test date.
- e. Submit a test report to EPA and PADEP on the results of the testing within sixty (60) days of completion of the testing. At a minimum, the test report must describe in detail:
  - i. The equipment utilized;
  - ii. The testing procedures;
  - iii. Any calibration information required by the test method;
  - iv. The test results (emission rates);
  - v. Laboratory analysis;
  - vi. Field data sheets; and
  - vii. Any calculations that have been performed.

**ENCLOSURE 3:**

**STATEMENT OF CERTIFICATION**

[This Certification is for signature by the president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or another executive with authority to perform similar policy or decision-making functions of the corporation.]

ArcelorMittal Monessen LLC is submitting the enclosed documents in response to the U.S. Environmental Protection Agency's ("EPA") request for information, issued pursuant to Section 114(a) of the Clean Air Act, to determine whether the facility is in compliance with the Clean Air Act.

I certify that I am fully authorized by ArcelorMittal to provide the above information on its behalf to EPA.

I certify under penalty of law that I have personally examined and am familiar with the statements and information submitted in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true, correct, accurate and complete. I am aware that there are significant penalties for submitting false statements and information, or omitting required statements and information, including the possibility of fines and imprisonment for knowing violations.

Date: \_\_\_\_\_

Name (Printed): \_\_\_\_\_

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

## **ENCLOSURE 4:**

### **Confidential Business Information (CBI) Assertion and Substantiation Requirements**

#### **A. Assertion Requirements**

You may assert a business confidentiality claim covering all or part of the information requested in response to this information request, as provided in 40 C.F.R. Section 2.203(b). You may assert a business confidentiality claim covering such information by placing on (or attaching to ) the information you desire to assert a confidentiality claim, at the time it is submitted to EPA, a cover sheet, stamped, or typed legend (or other suitable form of notice) employing language such as "trade secret," "proprietary," "company confidential." Allegedly confidential portions of otherwise non-confidential documents should be clearly identified, and may be submitted separately to facilitate identification and handling by EPA. If you desire confidential treatment only until a certain date or until the occurrence of a certain event, the notice should so state. Information covered by such a claim will be disclosed by EPA only to the extent, and by means of the procedures, set forth in Section 114(c) of the Clean Air Act (the Act) and 40 C.F.R. Part 2. EPA will construe the failure to furnish a confidentiality claim with your response to the attached letter as a waiver of that claim, and the information may be made available to the public without further notice to you.

#### **B. Substantiation Requirements**

All confidentiality claims are subject to EPA verification in accordance with 40 C.F.R. Part 2, Subpart B. The criteria for determining whether material claimed as confidential is entitled to such treatment are set forth at 40 C.F.R. Sections 2.208 and 2.301, which provide, in part, that you must satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so; that the information is not and has not been reasonably obtainable by legitimate means without your consent; and the disclosure of the information is likely to cause substantial harm to your business's competitive edge.

Pursuant to 40 C.F.R. Part 2, Subpart B, EPA may at any time send you a letter asking you to substantiate fully your CBI claim. If you receive such a letter, you must provide EPA with a response within the number of days set forth in the EPA request letter. Failure to submit your comments within that time would be regarded as a waiver of your confidentiality claim or claims, and EPA may release the information. If you receive such a letter, EPA will ask you to specify which portions of the information you consider confidential. You must be specific by page, paragraph, and sentence when identifying the information subject to your claim. Any information not specifically identified as subject to a confidentiality claim may be disclosed without further notice to you. For each item or class of information that you identify as being subject to CBI, you must answer the following questions, giving as much detail as possible, in accordance with 40 C.F.R. 2.204(e).

1. What specific portions of the information are alleged to be entitled to confidential treatment? For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your responses?

3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports, or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not to release to the public?
5. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, explain with specificity why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?
7. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, explain whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.
8. Any other issue you deem relevant

Please note that emission data provided under Section 114 of the Act, 42 U.S.C. Section 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2, Subpart B.

Emission data means, with reference to any source of emission of any substance into the air:

(A) Information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing;

(B) Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including, to the extent necessary for such purposes, a description of the manner and rate of operation of the source); and

(C) A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

40 C.F.R. Sections 2.301(a)(2)(i)(A), (B), and (C).

If you receive a request for a substantiation letter from the EPA, you bear the burden of substantiating your confidentiality claim. Conclusory allegations will be given little or no weight in the determination. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.



